IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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C.W.P NO. 16947 OF 2005

Date of decision : October 30, 2006

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Hakumat Rai Gupta .....Petitioner

Vs.

Punjab State Electricy Board and others .....Respondents

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CORAM: HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S BHALLA

Present: Ms. Promila Nain, Advocate for the petitioner(s).
Mr. G.S Ghuman, Advocate for the respondents.

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Viney Mittal, J. (Oral)

Learned counsel appearing for the petitioner has reiterated the contentions raised by her as noticed in the order dated October 25, 2005. It has been argued that the petitioner has been served with a notice dated October 18, 2005 Annexure P-16 for recovery of the amount of Rs.8,07,158/- on the ground that the Board Level Review Committee has decided to accept the decision of the Dispute Settlement Authority Patiala dated October 22, 2002. According to the learned counsel, the petitioner has at no point of time, been served with or communicated the order of the Board Level Committee till this date.

From the perusal of the written statement filed by the respondents, we find that any decision of the Board Level Review

Committee upon which the notice dated October 18, 2005 Annexure P-16 has been passed has not been appended. In these circumstances, it appears that the grievance made by the petitioner is absolutely justified.

Consequently, we allow the present petition and quash the demand notice Annexure P-16. The respondent-Board would be at liberty to serve the decision of the Board Level Review Committee upon the petitioner and thereafter raise a demand, on the basis of the aforesaid decision. The petitioner would also be at liberty to challenge the decision of the Board Level Review Committee, in accordance with law, if so advised.

Copy of the order be given dasti on payment of the usual charges.

(VINEY MITTAL)
JUDGE

October 30, 2006
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(H.S BHALLA)
JUDGE